

A G E N D A

BOARD OF SHELBY COUNTY COMMISSIONERS

CHARTER FORM OF GOVERNMENT

MARCH 8, 2004

1:30 P.M. COMMISSION CONVENES

CALL TO ORDER Deputy Sheriff James Gladney

**INVOCATION Pastor Brian Henderson
Parkway Gardens Presbyterian Church**

PLEDGE OF ALLEGIANCE

ROLL CALL

FORD Approval of Minutes of Previous Sessions
ADOPTED February 9, 2004
February 13, 2004
February 23, 2004

C O N S E N T A G E N D A

Resolutions of Memorial, Sympathy and Commendation

LILLARD 1. Resolution honoring the Southwind Middle School
ADOPTED “Scorpions” Boys Basketball Team as Tennessee Middle
School Athletic Association Regional Champions.

Ordinances

HOOKS 2. ORDINANCE – SECOND READING – (ZTA 03-002 CC)
(DEFERRED A Joint Ordinance amending the Memphis and Shelby County
TO 03/22/04) Zoning Ordinance, adopted by the Shelby County Board of
Commissioners on October 7, 1980, and the Council of the
City of Memphis on October 7, 1980; being Joint Ordinance
No. 3064, as amended, so as to make certain changes therein
as follows:

1) Amend Section 29 – Signs,
Subsection III – Definitions;
Subsection IV – Classification of signs;
Subsection V – Signs Prohibited;
Subsection VI – General Standards;
Subsection VII – Permanent On-Premise Sign Regulations;
Subsection XII – Violations; and
Creating a new Subsection XIII –
Enforcement and Penalties.

2) Amend Section 30 – Non-conformities,

Subsection E – Non-conforming On-Premise and
Off-Premise Signs;
Providing for severability;
Providing for repeal of conflicting ordinance
Requirements;
And providing an effective date.

Zoning and Subdivisions

**HOOKS
ADOPTED
(A-C)**

3. Resolution approving various subdivision contracts, plats, extensions, bond releases, etc. as recommended by the County Engineer.

Reports and/or Resolutions of Standing Committees

**KIRK
ADOPTED**

4. Resolution approving the sale of 2.37 acres of real property located on the east-side of Summer Avenue, 148.97 feet southwest of Shelby Oaks Drive, to William H. Thomas, Jr. for \$80,000.00.

**KIRK
ADOPTED**

5. Resolution approving contract with Medfac Engineering LLC for engineering consulting services and appropriating funds in the amount of \$15,600.00 from the FY 2003/2004 Budget for CIP Project No. 101710, Office Buildings.

**KIRK
ADOPTED**

6. Resolution approving contract with Medfac Engineering LLC for engineering consulting services and appropriating funds in the amount of \$16,200.00 from the FY 2003/2004 Budget for CIP Project No. 101710, Office Buildings.

**KIRK
ADOPTED**

7. Resolution approving expenditures of \$100,000.00 for renovation of the sixth floor of the Shelby County Administration Building; authorizing the mayor to execute Outside Contracts in amounts not to exceed \$35,000.00 from In-House Construction funds for renovation; appropriating funds for said contracts from the FY 2003/2004 Budget for CIP Project No. 101725, In-House Construction, in the amount of \$35,000.00 and amending the FY 2003/2004 Operating Budget for 010-207314, General Fund In-House Construction.

**LILLARD
ADOPTED**

8. Resolution amending the FY 2003/2004 Operating Budget for Shelby County Government to allow expenditures of \$142,299.00.

**LILLARD
ADOPTED**

9. Resolution to convey 847 square feet (0.0194 acres) of county owned land along with the grant of a temporary slope easement and a temporary construction easement across county owned real property located on the south side of Summer Avenue, 312 feet west of the centerline of Shelby Oaks Drive, to the State of Tennessee without monetary consideration for the proposed widening and improvement of Summer Avenue.

- LILLARD
ADOPTED

10. Resolution authorizing Amendment Number 1 to Contract Number CA033616 with Bucharth-Horn, Inc., for design services for the improvement of Houston Levee Road from Winchester Road to Bailey Station Road and appropriating funds in the amount of \$10,425.00 from the FY 2003/2004 CIP Budget for Project Number 100129, Houston Levee Road.
- FORD
(DEFERRED
TO 03/22/04)

11. Resolution to approve a contract between the Memphis and Shelby County Health Department and the Tennessee Department of Health in the amount of \$736,100.00 for HIV/AIDS Prevention and Surveillance Services between January 1, 2004 and December 31, 2004, and amending the FY 2003/2004 Operating Budget.
- RENDTORFF
ADOPTED

12. Resolution approving a contract with Carr, Riggs & Ingram, LLP, Certified Public Accountants, for an audit of the Financial Statements of Shelby County Head Start, Inc., for calendar year 2003, appropriating funds in the contract amount \$62,500.00, and appropriating an extra work allowance of \$10,000.00.
- LILLARD
ADOPTED

13. Resolution to grant a temporary construction easement, 2.606 acres in size, across land owned by the County of Shelby, for the use and benefit of the Shelby County Conservation Board, located on the north and south sides of Memphis-Arlington Road, immediately west of Bartlett Blvd./Billy Maher Road, to the City of Bartlett, for the monetary consideration of \$52,120.00 for the proposed relocation of Harrington Creek in conjunction with the realignment, widening and improvement of Billy Maher Road.
- HOOKS
ADOPTED

CONSENT AGENDA

REGULAR AGENDA

Elections, Appointments, and Confirmations

- FORD
ADOPTED

14. Resolution approving the county mayor’s nomination of Gene Holcomb and Matthew Davis for appointment to the Shelby County Healthcare Corporation Board for a term of three (3) years.
- BOLTON
ADOPTED

15. Resolution approving the county mayor’s nomination of Scott Fleming, Nick Clark, Nisha Powers, Thomas Glass, and Aubrey Howard for appointment to the Shelby County Needs Assessment Committee for a term of three (3) years.
- MALONE
ADOPTED

16. Resolution approving Cato Johnson as a joint appointee to the Needs Assessment Committee.

Ordinances

**HOOKS
(DEFERRED
TO 3/22/04)**

17. **ORDINANCE – THIRD READING** – An Amendment to the Joint Ordinance by the City Council of the City of Memphis and Resolution by the Board of the County Commissioners of Shelby County, creating the Memphis and Shelby County Office of Construction Code Enforcement and prescribing its power and duties; providing for the creation of a Joint Board of Appeals and the election of its chairman and vice chairman; providing for an Administrator and two Deputy Administrators for the office; providing for the distribution of funds accruing to said office and for the sharing the expense of operation of said board and office by said governmental bodies; creating Code Advisory Boards and Licensing Boards; adopting the current Shelby County Construction Codes as the Memphis and Shelby County Construction Codes; and authorizing the mayors of the City of Memphis and the County of Shelby to execute said agreements.

**HOOKS
(DEFERRED
TO 03/22/04)**

18. **ORDINANCE – THIRD READING - (ZTA 03-005 CC)** (A Joint Ordinance amending the Memphis and Shelby County Zoning Ordinance – Regulations adopted by the Shelby County Board of Commissioners on October 6, 1980, and the City Council of the City of Memphis on October 7, 1980, being Resolution and Zoning Ordinance No. 3064, as amended, so as to make certain changes therein as follows:
Amend Zoning Ordinance to amend Neighborhood Commercial (C-N) Zoning District and amend Chart 1 (Uses Permitted) to allow residential uses in the C-N District and Chart 2 (Bulk Regulations).

Zoning and Subdivisions

**HOOKS
ADOPTED**

19. **CASE NO. P.D. 03-365 CC**
APPLICANT: Michael H. Patrick

LOCATION: West side of Pisgah Road; +2,150 feet south of Latting Road

REQUEST: A maximum of 101 Single Family Residential lots

Memphis and Shelby County Office of Planning and Development recommendation:
REJECTION

Memphis and Shelby County Land Use Control Board recommendation:
APPROVAL WITH CONDITIONS

(Notice of public hearing published in the Daily News on Friday, December 12, 2003.)

HOOKS
ADOPTED

20. CASE NO. P.D. 03-355 CC
APPLICANT: Nellie B. Hamilton/Rusco Company
- LOCATION: North side of Holmes Road; +4,000 feet east of Hacks Cross Road
- REQUEST: A planned development to permit 106 single family detached lots with a typical lot size of 8,750 square feet within the plan.
- Memphis and Shelby County Office of Planning and Development recommendation:
REJECTION
- Memphis and Shelby County Land Use Control Board recommendation:
APPROVAL WITH CONDITIONS
- (Notice of public hearing published in the Daily News on Friday, December 12, 2003)

HOOKS
(DEFERRED
TO 03/22/04)

21. CASE NO. S.U.P. 03-218 CC – (Fite Road Landfill)
APPLICANT: JACS, LLC
- LOCATION: North side of Fite Road; +/- 2,356 feet west of Tay-for Drive
- REQUEST: Landfill for Agricultural and Construction/Demolition Waste (Class III/IV)
- Memphis and Shelby County Office of Planning and Development recommendation:
APPROVAL WITH CONDITIONS
- Memphis and Shelby County Land Use Control Board recommendation:
APPROVAL WITH CONDITIONS
- (Notice of public hearing scheduled to be published in the Daily News on Friday, March 12, 2004.)

Reports and/or Resolutions for Standing Committees

KIRK
DROPPED

22. Resolution approving settlement agreement in case of *Clark Construction Group, Inc., Plaintiff, VS. City of Memphis and the Memphis Cook Convention Center, Defendants*, Civil Action No. 01-2780 U.S. District Court.

KIRK
ADOPTED

23. A Resolution of the Board of County Commissioners of Shelby County, Tennessee, making provision for the raising annually by tax upon all property subject to taxation by Shelby County, Tennessee, of a sum sufficient to pay, as the same shall become due, the interest on and principal amount of not exceeding Two Hundred Fifty Million Dollars (\$250,000,000.00) of *General Obligation Variable Rate Demand Public Improvement and School Bonds, 2004 Series*

B authorized by the initial resolutions adopted by the Board of County Commissioners of Shelby County, Tennessee, on July 24, 2000, September 10, 2001 and July 29, 2002, for the purpose of refinancing all or a portion of the county's Outstanding Capital Outlay Extendible Municipal Commercial Paper (EMCP) Notes, 2001 Series A, and Capital Outlay Extendible Municipal Commercial Paper (EMCP) Notes, 2003 Series A previously issued for the purpose of providing funds for Public Works projects and school purposes in Shelby County, Tennessee; authorizing the use of a Preliminary Official Statement, Notice of Sale, Summary Notice of Sale and bid forms in connection with the sale of such bonds; authorizing the use of an Official Notice relative to obtaining competitive bid for a credit facility or liquidity facility; authorizing the county mayor to accept the best bids for the purchase of the bonds; prescribing the maximum interest rate to be borne thereby, the form thereof and certain details relating thereto; authorizing the execution and delivery of an Official Statement in connection therewith; appointing financial advisors; providing for certain other matters deemed necessary and proper in connection with the issuance of said bonds; authorizing the proper officers to do all things necessary or advisable in connection with the sale of such bonds; and providing an effective date hereof.

**KIRK
ADOPTED**

- 24. Resolution authorizing the issuance of not exceeding One Hundred Fifteen Million Dollars (115,000,000.00) Shelby County, Tennessee *Capital Outlay Extendible Municipal Commercial Paper (EMCP) Notes, 2004 Series A*, pursuant to Section 9-21-601, et seq., of the TCA; providing for the terms of the notes; authorizing the negotiated sale of the notes; appointing an issuing and paying agent; authorizing the execution and delivery of an Issuing and Paying Agency agreement; appointing a dealer for the notes; authorizing the execution and delivery of a Dealer Agreement; authorizing the execution and delivery of the notes; authorizing the execution and delivery of an Offering Memorandum; appointing financial advisors; authorizing the proper officials of the county to do all things deemed necessary or advisable in connection with the issuance and sale of the notes; and providing an effective date.**

**KIRK
ADOPTED**

- 25. Resolution of the Board of County Commissioners of Shelby County, Tennessee, making provision for the raising annually by tax upon all property subject to taxation by Shelby County, Tennessee, of a sum sufficient to pay, as the same shall become due, the interest on and principal amount of not exceeding Fifty Million Dollars (\$50,000,000.00) of *General Obligation Public Improvement and School Bonds, 2004 Series A* authorized by the initial resolutions adopted by the Board of County Commissioners of Shelby County, Tennessee, on July 24, 2000, September 10, 2001 and July 29, 2002 for the purpose of refinancing all or a portion of the county's Outstanding Capital Outlay Extendible Municipal Commercial Paper (EMCP) Notes, 2001 Series A, and Capital Outlay Extendible Municipal Commercial Paper (EMCP) Notes, 2003 Series A previously issued for the purpose of providing funds for Public Works projects and school purposes in Shelby County, Tennessee; authorizing the use of a Preliminary Official Statement, Notice of Sale, Summary**

Notice of Sale and bid forms in connection with the sale of such bonds; authorizing the county mayor to accept the best bids for the purchase of the bonds; prescribing the maximum interest rate to be borne thereby, the form thereof and certain details relating thereto; authorizing the execution and delivery of an Official Statement in connection therewith; appointing financial advisors; providing for certain other matters deemed necessary and proper in connection with the issuance of said bonds; authorizing the proper officers to do all things necessary or advisable in connection with the sale of such bonds; and providing an effective date hereof.

**MALONE
(DEFERRED
TO 03/22/04)**

26. Resolution endorsing Tennessee General Assembly Joint Resolution 71.

Announcements/Statements

Adjournment

**FORD
ADOPTED**

27. Resolution of Adjournment to March 22, 2004, at 1:30 p.m.

AGENDA # 3
MARCH 8, 2004

3A

SUBDIVISION: CARLYLE PLACE P.D., PHASE 2 (P.D. 02-333 CC)

DEVELOPER: RUSCO COMPANY

ACTION: RESOLUTION TO APPROVE THE AGREEMENT TO SECURE THE IMPROVEMENTS TO CARLYLE PLACE P.D., PHASE 2 (P.D. 02-333 CC) AND AUTHORIZE THE RECORDING OF THE PLAT WHEN BONDING PROCEDURES HAVE BEEN FULFILLED

LOCATION: EAST SIDE OF HOUSTON LEVEE ROAD; +/-4,034.66 FEET NORTH OF MACON ROAD

3B

SUBDIVISION: CORDOVA RIDGE P.D., THIRD AMENDMENT, PHASE 9 (P.D. 01-331 CC)

DEVELOPER: RUSCO COMPANY

ACTION: RESOLUTION TO APPROVE THE PLAT FOR CORDOVA RIDGE P.D., THIRD AMENDMENT, PHASE 9 (P.D. 01-331 CC) AND AUTHORIZE THE RECORDING OF THE PLAT

LOCATION: EAST SIDE OF HOUSTON LEVEE ROAD; +820.11 FEET SOUTH OF MACON ROAD

3C

SUBDIVISION: SUTTON PLACE EAST P.D., PHASE 1 (P.D. 03-340 CC)

DEVELOPER: HOUSTON LEVEE CROSSING PARTNERS

ACTION: RESOLUTION TO APPROVE THE AGREEMENT TO SECURE THE IMPROVEMENTS TO SUTTON PLACE EAST P.D., PHASE 1 (P.D. 03-340 CC) AND AUTHORIZE THE RECORDING OF THE PLAT WHEN BONDING PROCEDURES HAVE BEEN FULFILLED

LOCATION: SOUTH SIDE OF PISGAH ROAD; +5,700 FEET NORTH OF THE INTERSECTION OF MACON ROAD AND PISGAH ROAD